

Our File No. 201847

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW JERSEY**

JORGE L. CABRERA-VELASQUEZ	:	
	:	
Plaintiff,	:	
	:	
-against-	:	CIVIL ACTION NO.:
	:	
GREGORY S. HALSTEAD, WERNER	:	
ENTERPRISES, INC., JOHN DOE 1-10 (a	:	
fictitious name representing unknown	:	
individuals) and ABC CORPORATIONS 1-10	:	
(fictitious names representing unknown	:	
corporations)	:	
	:	
Defendants,	:	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF JERSEY:

Defendant, Werner Enterprises, Inc., by and through its attorneys, Salmon Ricchezza Singer & Turchi, LLP, respectfully aver as follows:

1. At all material times plaintiff, Jorge L. Cabrera-Velasquez, was and is a citizen of the State of New Jersey. (See Exhibit "A"- Plaintiff's Complaint).
2. At all material times, defendant, Werner Enterprises, Inc. was and is a corporation incorporated under the laws of the State of Nebraska with its principle place of business in Omaha, Nebraska.
3. At all material times, defendant, Gregory S. Halstead, was and is a citizen of Washington.
4. Plaintiff commenced a civil action against defendants in the Superior Court of New Jersey, Union County, on or about October 4, 2017. Defendant, Werner Enterprises, Inc.,

received a copy of Plaintiff's Summons and Complaint on October 17, 2017. Upon information and belief, defendant, Gregory S. Halstead, has not been properly served. Therefore, this removal is timely filed.

5. A review of plaintiff's Complaint reveals that it did not contain an Ad Damnum clause. However, that plaintiff alleges:

Plaintiff was caused to suffer severe and permanent injuries to multiple parts of his body, did suffer and will in the future continue to suffer great pain and anguish' was caused to seek and will in the future be caused to seek medical and hospital treatment; was caused to expend or incur and will in the future be caused to expend of incur monies in an effort to treat his injuries; was caused to lose time from and will in the future be caused to lose time from his usual and customary activities, pursuits and occupation; was caused to suffer permanent injuries and was otherwise caused to suffer injuries and damages. (Exhibit A – Plaintiff's Complaint, Count 1, Paragraph 4)

Plaintiff was caused to suffer severe and permanent injuries to multiple parts of his body, did suffer and will in the future continue to suffer great pain and anguish; was caused to seek and will in the future be caused to seek medical and hospital treatment; was caused to expend or incur and will in the future be caused to expend or incur monies in an effort to treat his injuries; was caused to lose time from and will in the future be caused to lose time from his usual and customary activities, pursuits and occupation; was caused to suffer permanent injuries and was otherwise caused to suffer injuries and damages. (Exhibit A – Plaintiff's Complaint, Count 2, Paragraph 3)

6. Accordingly, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake.

7. Although counsel has been unable to confirm whether defendant, Gregory S. Halstead, has been properly served, through counsel, herein consents to this removal.

8. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between plaintiff and defendants since:

(a) At all material times plaintiff, Jorge L. Cabrera-Velasquez, was and is a citizen of the State of New Jersey.

(b) At all material times, defendant, Werner Enterprises, Inc. was and is a corporation incorporated under the laws of the State of Nebraska with its principle place of business in Omaha, Nebraska.

(c) At all material times, defendant, Gregory S. Halstead, was and is a citizen of Washington.

9. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446.

WHEREFORE, Defendant, Werner Enterprises, Inc., herein prays that the above captioned action now pending in the Supreme Court, Union County, be removed there from to this Honorable Court.

SALMON RICCHEZZA SINGER & TURCHI LLP

By: 

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